

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1897.02 |
| COMPLAINT INVESTIGATOR: | Connie Rahe |
| DATE OF COMPLAINT: | March 21, 2002 |
| DATE OF REPORT: | April 23, 2002 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | July 19, 2002 |

COMPLAINT ISSUES:

Whether the North Adams Community Schools and the Adams-Wells Special Services Cooperative violated:

511 IAC 7-23-1 by disclosing information from the student's educational record without the parent's consent.

511 IAC 7-27-4(c) by unilaterally developing and implementing a behavior intervention plan rather than utilizing the case conference committee (CCC) to determine the need for and develop such a plan.

The report of this investigation was due to be completed on April 19, 2002. The associate superintendent, on April 19, 2002, granted an extension of time to April 24, 2002 for completion of the investigation report.

FINDINGS OF FACT:

1. The student is 17 years old, is in grade ten, and is eligible for special education and related services under the category of emotionally disabled.
2. The Complainant asserts that the Student's teacher disclosed confidential information about the Student by disclosing to other students that the Student is on probation. The Student is on probation as the result of incidents that occurred outside of the school setting and has not concealed his home detention or probation status from other students at school. The teacher learned of the Student's probation status both through the Student's disclosure and through participation in a case conference requested by the probation officer. The teacher asserts that she did not disclose any information about the Student's probation status.
3. The Complainant asserts that a behavioral intervention plan was unilaterally developed and implemented for the Student. The teacher of record confirms that she was asked to develop a positive behavior contract/plan for the Student so that the assistant principal could discuss it with the Complainant on the following day, combined with a Form 16 plan which identified certain behaviors for which the Student would be expelled if the Student engaged in such behaviors. The Complainant met with the principal but declined to agree to either component of the behavior contract/plan. The behavior contract/plan was not implemented by the school.

CONCLUSIONS:

1. Finding of Fact #2 indicates differing reports regarding whether the teacher disclosed the Student's probation status. A violation of 511 IAC 7-23-1 cannot be determined independently. However, had the teacher revealed such information, such disclosure would be contrary to the requirements of the Family Educational Rights and Privacy Act (FERPA) and 511 IAC 7-23-1.
2. Finding of Fact #3 reflects that although a behavior plan/contract was unilaterally developed and proposed by the school, the Complainant did not consent to the implementation of the behavior plan/contract. In the absence of the Complainant's consent, the behavior contract/plan was not implemented. Therefore, no violation of 511 IAC 7-27-4(c) is found. However, the school is advised that development of a behavior plan is within the auspices of a duly constituted case conference committee.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.